

THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE: ) CHAPTER 13  
 ) CASE NO: 16-51550  
 ) ALAN M. KOSCHIK  
Michael S. Mobley, Sr. ) BANKRUPTCY JUDGE  
Kari M. Mobley )  
 )  
Debtor(s) ) TRUSTEE'S MOTION TO DISMISS  
 ) DUE TO FAILURE OF DEBTOR(S)  
 ) TO MAKE PLAN PAYMENTS  
)

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Now comes Keith L. Rucinski, the Chapter 13 Trustee, and requests this Court to dismiss Debtor(s) plan pursuant to 11 USC §1307(c)(1) as the Debtor(s) has failed to make required plan payments as required by 11 USC §1326. The failure to make plan payments is prejudicial to creditors who cannot be paid unless the Debtor(s) make plan payments. The Trustee states the following:

- 1) Debtor(s) has/have not been making his/her/their Chapter 13 Plan payments as ordered.
- 2) The case was filed **06/29/2016**.
- 3) The monthly Plan payments are **\$795.00**.
- 4) As of this date, the payments into the Plan total **\$29,894.97**.
- 5) The last payment was received on **10/21/2019**.

**CHAPTER 13**  
Keith L. Rucinski  
Trustee  
1 Cascade Plaza  
Suite 2020  
Akron, Oh 44308  
\_\_\_\_\_  
(330) 762-6335  
Fax  
(330) 762-7072  
Email  
krucinski@ch13akron.com

**NOTICE TO ATTORNEYS**

**\*\*Pursuant to this Court's Administrative order 00-4, attorneys are required to file with the U.S. Bankruptcy court a notice of no opposition or a notice of inability to communicate with the Debtor(s).1352**

Attorneys may contact Holly Byler, at the Chapter 13 Trustee's Office at 330.762.6335 ext. 225 or [hbyler@ch13akron.com](mailto:hbyler@ch13akron.com) to resolve this motion.

If attorneys do not file a response or contact the Chapter 13 Office by noon on Tuesday before the scheduled hearing, attorneys are required to appear at any Court hearing on this matter.

Debtor(s) may make a payment either online or by phone. To pay online visit [www.chapter13info.com](http://www.chapter13info.com). To pay by phone call 1-888-439-5121.\*\*

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee

Ohio Reg. No. 0063137

Joseph A. Ferrise, Staff Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on 1/16/2020, the following were served a copy of this pleading:

Michael S. Mobley, Sr.  
63 Organ Ave.  
Akron, OH 44319  
(via Regular U.S. Mail)

Kari M. Mobley  
63 Organ Ave.  
Akron, OH 44319  
(via Regular U.S. Mail)

Via ECF:

Rebecca J. Sremack, Esquire at [rebecca@sremacklaw.com](mailto:rebecca@sremacklaw.com)  
Keith L. Rucinski, Trustee at [krucinski@ch13akron.com](mailto:krucinski@ch13akron.com)  
Office of the US Trustee at [ustpregion09.cl.ecf@usdoj.gov](mailto:ustpregion09.cl.ecf@usdoj.gov)

Date of Service: 1/16/2020

By: Holly Byler  
Office of the Chapter 13 Trustee

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